

By the Committee on Regulated Industries

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1 A bill to be entitled
2 An act relating to public records and meetings;
3 amending s. 119.071, F.S.; expanding an exemption from
4 public records requirements for certain components of
5 911, E911, and public safety radio communication
6 systems to include NG911 systems; extending the date
7 for future legislative review and repeal of the
8 exemption; amending s. 286.0113, F.S.; expanding an
9 exemption from public meetings requirements for
10 certain portions of meetings that would reveal certain
11 components of 911, E911, and public safety radio
12 communication systems to include NG911 systems;
13 extending the date for future legislative review and
14 repeal of the exemption; providing a statement of
15 public necessity; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Paragraph (e) of subsection (3) of section
20 119.071, Florida Statutes, is amended to read:

21 119.071 General exemptions from inspection or copying of
22 public records.—

23 (3) SECURITY AND FIRESAFETY.—

24 (e)1.a. Building plans, blueprints, schematic drawings, and
25 diagrams, including draft, preliminary, and final formats, which
26 depict the structural elements of 911, E911, NG911, or public
27 safety radio communication system infrastructure, including
28 towers, antennas ~~antennae~~, equipment or facilities used to
29 provide 911, E911, NG911, or public safety radio communication

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30 services, or other 911, E911, NG911, or public safety radio
31 communication structures or facilities owned and operated by an
32 agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the
33 State Constitution.

34 b. Geographical maps indicating the actual or proposed
35 locations of 911, E911, NG911, or public safety radio
36 communication system infrastructure, including towers, antennas
37 ~~antennae~~, equipment or facilities used to provide 911, E911,
38 NG911, or public safety radio services, or other 911, E911,
39 NG911, or public safety radio communication structures or
40 facilities owned and operated by an agency are exempt from s.
41 119.07(1) and s. 24(a), Art. I of the State Constitution.

42 2. This exemption applies to building plans, blueprints,
43 schematic drawings, and diagrams, including draft, preliminary,
44 and final formats, which depict the structural elements of 911,
45 E911, NG911, or public safety radio communication system
46 infrastructure or other 911, E911, NG911, or public safety radio
47 communication structures or facilities owned and operated by an
48 agency, and geographical maps indicating actual or proposed
49 locations of 911, E911, NG911, or public safety radio
50 communication system infrastructure or other 911, E911, NG911,
51 or public safety radio communication structures or facilities
52 owned and operated by an agency, before, on, or after the
53 effective date of this act.

54 3. Information made exempt by this paragraph may be
55 disclosed:

56 a. To another governmental entity if disclosure is
57 necessary for the receiving entity to perform its duties and
58 responsibilities;

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59 b. To a licensed architect, engineer, or contractor who is
60 performing work on or related to the 911, E911, NG911, or public
61 safety radio communication system infrastructure, including
62 towers, antennas ~~antennae~~, equipment or facilities used to
63 provide 911, E911, NG911, or public safety radio communication
64 services, or other 911, E911, NG911, or public safety radio
65 communication structures or facilities owned and operated by an
66 agency; or

67 c. Upon a showing of good cause before a court of competent
68 jurisdiction.

69 4. The entities or persons receiving such information must
70 maintain the exempt status of the information.

71 5. For purposes of this paragraph, the term "public safety
72 radio" is defined as the means of communication between and
73 among 911 public safety answering points, dispatchers, and first
74 responder agencies using those portions of the radio frequency
75 spectrum designated by the Federal Communications Commission
76 under 47 C.F.R. part 90 for public safety purposes.

77 6. This paragraph is subject to the Open Government Sunset
78 Review Act in accordance with s. 119.15 and shall stand repealed
79 on October 2, 2030 ~~2025~~, unless reviewed and saved from repeal
80 through reenactment by the Legislature.

81 Section 2. Subsection (4) of section 286.0113, Florida
82 Statutes, is amended to read:

83 286.0113 General exemptions from public meetings.—

84 (4)(a) Any portion of a meeting that would reveal building
85 plans, blueprints, schematic drawings, or diagrams, including
86 draft, preliminary, and final formats, which depict the
87 structural elements of 911, E911, NG911, or public safety radio

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88 communication system infrastructure, including towers, antennas
89 ~~antennae~~, equipment or facilities used to provide 911, E911,
90 NG911, or public safety radio communication services, or other
91 911, E911, NG911, or public safety radio communication
92 structures or facilities made exempt by s. 119.071(3)(e)1.a. is
93 exempt from s. 286.011 and s. 24, Art. I of the State
94 Constitution.

95 (b) Any portion of a meeting that would reveal geographical
96 maps indicating the actual or proposed locations of 911, E911,
97 NG911, or public safety radio communication system
98 infrastructure, including towers, antennas ~~antennae~~, equipment
99 or facilities used to provide 911, E911, NG911, or public safety
100 radio communication services, or other 911, E911, NG911, or
101 public safety radio communication structures or facilities made
102 exempt by s. 119.071(3)(e)1.b. is exempt from s. 286.011 and s.
103 24, Art. I of the State Constitution.

104 (c) No portion of an exempt meeting under paragraph (a) or
105 paragraph (b) may be off the record. All exempt portions of such
106 meeting shall be recorded and transcribed. Such recordings and
107 transcripts are confidential and exempt from disclosure under s.
108 119.07(1) and s. 24(a), Art. I of the State Constitution unless
109 a court of competent jurisdiction, after an in camera review,
110 determines that the meeting was not restricted to the discussion
111 of the information made exempt by s. 119.071(3)(e)1.a. or b. In
112 the event of such a judicial determination, only that portion of
113 the recording and transcript which reveals nonexempt information
114 may be disclosed to a third party.

115 (d) For purposes of this subsection, the term "public
116 safety radio" is defined as the means of communication between

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117 and among 911 public safety answering points, dispatchers, and
118 first responder agencies using those portions of the radio
119 frequency spectrum designated by the Federal Communications
120 Commission under 47 C.F.R. part 90 for public safety purposes.

121 (e) This subsection is subject to the Open Government
122 Sunset Review Act in accordance with s. 119.15 and shall stand
123 repealed on October 2, 2030 ~~2025~~, unless reviewed and saved from
124 repeal through reenactment by the Legislature.

125 Section 3. The Legislature finds that it is a public
126 necessity that building plans, blueprints, schematic drawings,
127 and diagrams, including draft, preliminary, and final formats,
128 which depict the structural elements of 911, E911, NG911, or
129 public safety radio communication system infrastructure,
130 including towers, antennas, equipment, or facilities used to
131 provide 911, E911, NG911, or public safety radio communication
132 services, and other 911, E911, NG911, or public safety radio
133 communication structures or facilities owned and operated by an
134 agency, and geographical maps indicating the actual or proposed
135 locations of such communication system infrastructure,
136 structures, or facilities be made exempt from s. 119.07(1),
137 Florida Statutes, and s. 24(a), Article I of the State
138 Constitution to ensure the security of emergency communication
139 infrastructure, structures, and facilities. The Legislature
140 finds that it is a public necessity that any portion of a
141 meeting revealing such documents and maps held by an agency be
142 made exempt from s. 286.011, Florida Statutes, and s. 24(b),
143 Article I of the State Constitution. Building plans, blueprints,
144 schematic drawings, and diagrams, including draft, preliminary,
145 and final formats, received and held by counties,

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146 municipalities, and other governmental agencies which depict the
147 structural elements of 911, E911, NG911, or public safety radio
148 communication system infrastructure, structures, and facilities
149 are currently subject to release as public records upon request.
150 Similarly, geographical maps showing the present or proposed
151 locations of such 911, E911, NG911, or public safety radio
152 communication system infrastructure, structures, and facilities
153 which are in the possession of counties, municipalities, and
154 other governmental agencies are also subject to release as
155 public records upon request. Counties, municipalities, and other
156 governmental agencies may review the building plans or
157 geographical maps to ensure compliance with land development
158 regulations, building codes, agency rules, and standards to
159 protect the public health and safety. These building plans
160 include diagrams and schematic drawings of emergency
161 communication systems, electrical systems, and other physical
162 plant and security details which depict the structural elements
163 of such emergency communications facilities and structures. Such
164 911, E911, NG911, and public safety radio communication
165 facilities, including towers and antennas, are a vital link in
166 the chain of survival. This critical infrastructure must be
167 protected because any disruption during an active shooter or
168 other terror event is very likely to result in greater loss of
169 life and property damage. To function properly, towers and
170 antennas need to be visible, increasing the security risk of
171 such facilities. Because architectural and engineering plans
172 reviewed and held by counties, municipalities, and other
173 government agencies include information about towers, equipment,
174 ancillary facilities, critical systems, and restricted areas,

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175 these plans could be used by criminals or terrorists to examine
176 the physical plant for vulnerabilities. Information contained in
177 these documents could aid in the planning of, training for, and
178 execution of criminal actions, including cybercrime, arson, and
179 terrorism. Consequently, the Legislature finds that it is a
180 public necessity to exempt such information from public records
181 and public meetings requirements to reduce exposure to security
182 threats and to protect the public.

183 Section 4. This act shall take effect upon becoming a law.